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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,645	02/06/2004	David Wilson Shaw	SMTT 330	7618
23581	7590	09/22/2005	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3652	
DATE MAILED: 09/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,645	<b>Applicant(s)</b> SHAW, DAVID WILSON	
	<b>Examiner</b> Eric Pico	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/20/2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/20/2004</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because it is indefinite which figure and what component reference numeral 40, shown between Figures 1 and 2, is referring to due to a lack of a lead line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

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2. Claim 7 recites the limitation "the pair of plates" on Page 9, Line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim(s) 1-5 and 9 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Habicht U.S. Patent No. 5489182.
5. Regarding claim 1, Habicht discloses a storage apparatus. The storage apparatus comprised of a container 48, a support structure 12 to support the container 48, a carriage 108 connected to the container 48 and movable with respect to the support structure 12 to move the container 48 between a loading position and a storage position, and an actuator mechanism 32 to control movement of the carriage 108.
6. Regarding claim 2, Habicht further discloses the support structure 12 includes at least one surface to guide movement of the carriage 108 between the loading and storage positions of the container 48.
7. Regarding claim 3, Habicht further discloses the support structure 12 comprises a post 100 and the surface to guide movement of the carriage 108 comprises a side 116 of the post 100.

8. Regarding claim 4, Habicht further discloses the carriage 108 comprised of a pair of spaced members 26 positionable on opposite sides of the post 100 to define a platform for supporting the container 48 and rollers 110 rotatably mounted between the spaced members 26 to engage the side of the post 100 to permit slidable movement of the carriage 108 along the post 100.
9. Regarding claim 5, Habicht further discloses the post 100 being substantially vertical and the carriage 108 includes two rollers 110 on opposite sides of the post 100 to engage sides of the post 100.
10. Regarding claim 9, Habicht further discloses rails 26 below the container to receive and support articles to be stored.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim(s) 6, 7, and 13 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Habicht U.S. Patent No. 5489182 in view of Simmons U.S. Patent No. 2915143.
13. Regarding claim 6, Habicht discloses a storage apparatus with rollers 110 but is silent concerning vertically offset rollers. Simmons teaches the rollers 42, 48 are vertically offset from each other. It would have been obvious to one of ordinary skill in

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the art at the time of the invention to make the rollers disclosed by Habicht vertically offset rollers taught by Simmons to facilitate the force acting against the bending moment provided by the platform.

14. Regarding claim 7, Habicht discloses a storage apparatus with a cantilever configuration to define a platform to support a container but is silent concerning spaced members comprised of a plate. Simmons teaches a spaced member comprised of a pair of plates 32. The pair of plates support beams 36 extending from the plates 32 in a cantilever configuration to define the platform 14 to support a container whereby the container exerts a force on the plates 32 that tends to bias the offset rollers 42, 48 into engagement with the sides of the post 12. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a spaced member comprised of a pair of plates taught by Simmons to the storage apparatus disclosed by Habicht to facilitate the connection between the platform and the support structure.

15. Regarding claim 13, Habicht discloses a storage apparatus with an actuator mechanism 32 but is silent concerning actuator mechanism being comprised of an extendable cylinder. Simmons further teaches actuator mechanism 50 comprises an extendable cylinder 56 mounted between the carriage 30 and the support structure 12 whereby adjusting the length of the cylinder 56 acts to move the carriage 30 along the support structure 12. It would have been obvious to one of ordinary skill in the art at the time of the invention to add an actuator mechanism comprised of an extendable cylinder to the storage apparatus disclosed by Habicht to facilitate the lifting of the apparatus.

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16. Claim(s) 8 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Habicht U.S. Patent No. 5489182 in view of Chandaria U.S. Patent No. D473377.

17. Regarding claim 8, Habicht discloses a storage apparatus comprised of a container but is silent concerning a box structure container. Chandaria teaches a container. The container comprised of a box structure having a base, an upstanding rear wall, a pair of upstanding, opposed end walls, and an upstanding front wall to define an interior region for holding article to be stored. The front wall of the container having a section that is lower than the end walls to define an opening for access to the interior region. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the container disclosed by Habicht a box structure container taught by Chandaria to facilitate the accessibility of the container interior.

18. Claim(s) 10 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Habicht U.S. Patent No. 5489182 in view of Hansl U.S. Patent No. 6923612.

19. Regarding claim 10, Habicht discloses storage apparatus comprised of rails 26 but is silent concerning extendable rails. Hansl teaches rails 15 extendable from a stowed position below a container 4 to an extended position to receive support articles 4 to be stored. It would have been obvious to one of ordinary skill in the art at the time of the invention to add extendable rails as taught by Hansl to the storage apparatus disclosed by Habicht to increase the distance covered by the rails.

20. Claim(s) 12 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Habicht U.S. Patent No. 5489182 in view of Vermette et al. U.S. Patent No. 4421209.

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21. Regarding claim 12, Habicht discloses an actuator mechanism 32 but is silent concerning the actuator mechanism comprised of a manual hoist. Vermette et al. teaches an actuator mechanism comprises a manual hoist mounted to a support structure 12 and connected to a carriage to move the carriage with respect to the support structure 12. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the actuator mechanism disclosed by Habicht one comprised of a manual hoist to provide more control over the mechanism.

### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weisker et al. U.S. Patent No. 3696954, Gondek U.S. Patent No. 3902773, Cooper et al. U.S. Patent No. 4658934, Horan et al. U.S. Patent No. 6273215, Ohayon U.S. Patent No. D425703.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP



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